

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

LeShawn Stadford,)	CASE NO. 1:23 CV 1045
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
Social Security,)	<u>AND ORDER</u>
)	
Defendant.)	

Pro se plaintiff LeShawn Stradford has filed an *in forma pauperis* civil complaint in this case against “Social Security.” (Doc. No. 1.) The complaint contains no factual allegations, asserts no specific legal claims, and seeks no specific relief. (*Id.*) In total, the complaint merely states: “Columbus, Ohio Denied me of My Benefits.” (*Id.*)

Although the standard of review for *pro se* pleadings is liberal, *Williams v. Curtin*, 631 F.3d 380, 383 (6th Cir. 2011), “the lenient treatment generally accorded *pro se* litigants has limits.” *Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996). *Pro se* plaintiffs must still meet basic pleading requirements, and courts are not required to conjure allegations or construct claims on their behalf. *See Erwin v. Edwards*, 22 F. App’x 579, 580 (6th Cir. 2001). Federal district courts are expressly required under 28 U.S.C. §1915(e)(2)(B) to screen all *in forma pauperis* complaints filed in federal court, and to dismiss before service any such action that the court determines is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See Hill v. Lappin*, 630 F.3d 468, 470-71 (6th Cir. 2010). To survive a dismissal for failure to state a claim, a complaint must set forth “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Id.* (holding that the dismissal standard articulated in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) governs dismissals for failure to state a claim under §1915(e)(2)(B)). Additionally, they must be sufficient to give the defendants “fair notice of what [the plaintiff’s] claims are and the grounds upon which they rest.” *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002).

The Court finds that plaintiff’s complaint must be dismissed. Plaintiff’s unadorned, unclear, and purely conclusory statement in his complaint that he was “denied” benefits is insufficient to meet basic pleading requirements or allege any plausible federal civil claim upon which he may be granted relief. *See Lillard v. Shelby Cty. Bd. of Educ.*, 76 F.3d 716, 726 (6th Cir. 1996) (a court is not required to accept summary allegations or unwarranted conclusions in determining whether a complaint states a claim for relief).

Further, to the extent plaintiff is seeking to challenge a decision of the Social Security Administration regarding a benefits determination, the Court lacks jurisdiction. Judicial review of Social Security decisions is governed by 42 U.S.C. § 405(g), which provides in relevant part:

Any individual, after any final decision of the Commissioner of Social Security, made after a hearing to which he was a party . . . may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Commissioner of Social Security may allow.

42 U.S.C. § 405(g) (emphasis added). Two elements are required to establish federal jurisdiction to review the decisions of the Commissioner of Social Security: (1) a plaintiff must exhaust his administrative remedies, and (2) the Commissioner must issue a final decision. *See Pohlmeyer v. Secretary of Health and Human Services*, 939 F.2d 318, 320 (6th Cir.1991) (citing *Mathews v. Eldridge*, 424 U.S. 319, 327–29 (1976)). Neither of these requirements is evident on the face of plaintiff’s pleadings.

Conclusion

Accordingly, plaintiff's motion to proceed *in forma pauperis* in this case (Doc. No. 2) is granted, and his complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: June 13, 2023

/s/ John R. Adams

JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE